



Committee: Committee on Health  
Hearing Date/Time: Friday, March 27, 2015, 9:15 a.m.  
Place: Conference Room 329  
Re: Testimony of the ACLU of Hawaii **in Support of HCR 79 / HR 42**

Dear Chair Belatti and Members of the Committee on Health,

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in **support of HCR 79 / HR 42**, Requesting the Drug Enforcement Administration to Initiate Rescheduling Proceedings to Remove Marijuana from Schedule I of the Federal Controlled Substances Act Because Marijuana Does Not Meet the Criteria of a Federal Schedule I Controlled Substance.

Enforcement of marijuana prohibition as a part of the failed war on drugs has contributed to overincarceration in the United States, disproportionately affecting people of color. In Hawai‘i, this overincarceration results in the use of problematic mainland for-profit prisons. Rescheduling marijuana to reduce the penalties for related offenses is a step in the right direction toward ending the war on drugs.

Thank you for this opportunity to testify.

Lois K. Perrin  
Of Counsel  
ACLU of Hawaii

*The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.*

creagan1 - Dannah

---

From: mailinglist@capitol.hawaii.gov  
Sent: Thursday, March 26, 2015 11:23 AM  
To: HLTtestimony  
Cc: bacher.robert@gmail.com  
Subject: Submitted testimony for HR42 on Mar 27, 2015 09:15AM

**HR42**

Submitted on: 3/26/2015

Testimony for HLT on Mar 27, 2015 09:15AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Bacher	Green Futures	Support	No

Comments: Our state, like many other jurisdictions and studies and even US Health & Human Services patents, have begun to recognize medicinal benefits of cannabis again, as it was previously recognized by US Pharmacopia, British and Jamaican studies. If the Controlled Substances Act is to mean anything, it must appropriated categorize substances according to medicine usefulness, and potential of danger and addiction. Instead of scientifically organizing how we treat different substances, politics have kept people from safer more effective medicine, while encouraging more dangerous and addiction substances like opioids instead.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

creagan1 - Dannah

---

From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 25, 2015 10:49 AM  
To: HLTtestimony  
Cc: mendezj@hawaii.edu  
Subject: \*Submitted testimony for HR42 on Mar 27, 2015 09:15AM\*

**HR42**

Submitted on: 3/25/2015

Testimony for HLT on Mar 27, 2015 09:15AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

## **House Committee on Health**

Della Au Belatti, Chair

Richard Creagan, MD, Vice Chair

### **Re: HR42/HCR79 - Relating to Controlled Substances**

Hearing: Friday, March 27, 2015, 9:15 am, Room 329

From: Clifton Otto, MD

Position: **SUPPORT**

Our Congress created the federal Controlled Substances Act (CSA) with the clear intent of allowing states to play a role in the federal scheduling of controlled substances, as evidenced by the fact that all five schedules require a consideration of accepted medical use.

There are at least three ways a drug can have accepted medical use. The first, as in the case of Aspirin, occurs when a drug is grandfathered in based on ubiquitous medical use that pre-dated the creation of the CSA. The second way, that we are most familiar with, is when a drug passes through the FDA drug approval process. And the third way, as in the case of Marijuana, is when a state exercises its authority to accept the medical use of a controlled substance.

The way it's supposed to work is that when a state creates an accepted medical use of a controlled substance that did not previously exist, the state notifies the Drug Enforcement Administration (DEA), by means of the formal petitioning process within the CSA, of the change in medical use that was accepted. The DEA will then, per the administrative process in the CSA, initiate rescheduling proceedings and, with the assistance of the Department of Health and Human Services, decide into which schedule the drug belongs.

If the State wants to fulfill the responsibility that comes with accepting the medical use of Marijuana, then it needs to file a rescheduling petition with the DEA.